

FILED
IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

(Eastern Division)

2018 AUG -1 AM 10:49

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

LEROY THOMPSON

Plaintiff,

v.

ROBERT WILKIE,
SECRETARY OF THE UNITED STATES
DEPARTMENT OF VETERANS
AFFAIRS
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Defendant.

Civil Action No.

JUDGE 1:18 CV 1777
JUDGE BOYKO

COMPLAINT

(Employment Discrimination;
Jury Demand Endorsed Hereon.)

MAG. JUDGE RUIZ

COMES NOW Plaintiff Leroy Thompson, *pro se*, and states as follows:

1. Plaintiff brings this action pursuant to Title VII and the Age Discrimination in Employment Act for discrimination and unlawful retaliation on the basis of race, sex and age in employment.

JURISDICTION AND VENUE

2. Jurisdiction of this court is founded pursuant to 42 U.S.C. § 2000e, *et seq.* and 29 U.S.C. §621, *et seq.*

3. Venue lies in this Court, pursuant to 28 U.S.C. §1331, 1337 and/or 1346 since the employment practices alleged to be unlawful were committed by defendant and its agents within the Northern District of Ohio, Eastern Division, and it is a claim against an agency of the United States.

through its Secretary.

PARTIES

4. Plaintiff, Leroy Thompson ("Mr. Thompson"), is an adult African-American male, a citizen of the United States and a bona fide resident of the state of Ohio. At all times alleged herein, Mr. Thompson was over forty (40) years old. At all times further relevant herein, Mr. Thompson is and was an employee of the United States Department of Veterans Affairs.

5. The United States Department of Veterans Affairs is a duly-authorized and organized agency of the United States of America with its headquarters located in Washington, D.C. The Department of Veterans Affairs is subject to the prohibitions against discrimination, retaliation and the creation and maintenance of a hostile work environment pursuant to Title VII and the Age Discrimination in Employment Act of the United States Code.

FACTS COMMON TO ALL COUNTS

6. Leroy Thompson is an African-American male and an Information Technology Specialist, GS-9, in the Office of Information and Technology ("OI&T") at the Louis Stokes VA Medical Center in Cleveland, Ohio.

7. From 2004 to the present, Steven Gaj, a white male and the Cleveland OI&T's Chief Information Officer, has been either Mr. Thompson's direct or second-line supervisor.

8. On or about April 8, 2014, Mr. Thompson sought EEO counseling and subsequently filed a formal complaint on May 19, 2014, alleging discrimination and hostile work environment by Gaj and Daniel Bennett, a supervisory IT specialist and Mr. Thompson's immediate supervisor on the basis of his religion and age. Since about 2014, Mr. Thompson has been litigating that matter before an administrative judge of the Equal Employment Opportunity Commission.

9. Following the filing of his initial EEO complaint, Mr. Thompson has been subjected to increasing unwarranted disciplinary actions and reports of contact that have resulted in adverse suspensions.

10. Between June 3, 2015 and August 19, 2015, Mr. Gaj and Mr. Bennett issued multiple reports of contacts for incidents occurring between April 14 and June 24, 2015. Each of the reports of contact and other disciplinary actions were unwarranted and baseless.

11. After timely contacting an EEO Counselor on June 9, 2015, Mr. Thompson filed a formal complaint on July 18, 2015, alleging race, religion, age discrimination, hostile work environment and unlawful retaliation.

12. This eeo complaint was accepted for investigation on September 14, 2015, and the investigative report was submitted in January 2016.

13. During the investigation, Mr. Bennett, who had left his position in the Cleveland Medical Center in about October 2015, submitted a signed affidavit on December 23, 2015. In that affidavit, Mr. Bennett swore that he was coerced and threatened into issuing reports of contact, admonitions and other disciplinary actions against Mr. Thompson by Steven Gaj regardless of whether Mr. Bennett, after investigating the matters, believed that the reports of contact and disciplinary actions were warranted.

14. Mr. Bennett also averred that he believed Mr. Thompson was being "singled out" by Mr. Gaj and reported concerns about Mr. Gaj's workplace harassment to Mr. Gaj's supervisor. Mr. Bennett also raised these issues with human resources representatives and reported that the disciplinary actions against Mr. Thompson were unnecessary and issued by him under duress from Mr. Gaj.

15. According to Mr. Bennett, Mr. Gaj composed Mr. Thompson's job description in a

manner that ensured Mr. Thompson's pay grade would be lower than the national standard.

16. Finally, according to Mr. Bennett, Mr. Thompson had been subjected to a hostile and retaliatory environment that was exasperated by his EEO protected activity.

17. On May 3, 2018, the EEOC issued a notice of right to sue. Accordingly, Mr. Thompson has exhausted his administrative remedies.

FIRST CAUSE OF ACTION
Violation of Title VII – Race Discrimination

18. Plaintiff herein adopts and incorporates by reference all the allegations set forth in paragraphs "1" through "17" as if originally pleaded herein.

19. Defendant, through its agents or supervisors, unlawfully discriminated and denied equal employment opportunities and other terms and conditions of employment against Mr. Thompson because of his race when it imposed unwarranted and baseless disciplinary actions, without cause of justification, in violation of Title VII of the Civil Rights Act of 1964, as amended.

20. As a direct and proximate result of the illegal employment discrimination by Defendant, Mr. Thompson has suffered, and continues to suffer, severe pain and suffering and extreme mental anguish and emotional distress. Mr. Thompson has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

(a) To award him, under Title VII of the Civil Rights Act, all the back and front pay and fringe benefits he has lost as a result of defendant's unlawful discrimination against him;

(b) To award him, under Title VII of the Civil Rights Act, compensatory damages in an amount to be determined at trial;

(c) To award him reasonable attorney's fees and costs of this action; and

- (d) To award him such other and further relief as this Court deems just and proper.

SECOND CAUSE OF ACTION

Violation of Title VII – Hostile Work Environment Discrimination

21. Plaintiff herein adopts and incorporates by reference all the allegations set forth in paragraphs “1” through “20” as if originally pleaded herein.

22. Defendant, through its agents or supervisors, unlawfully discriminated, denied equal employment opportunities and other terms and conditions of employment and created a hostile and abusive work environment against Mr. Thompson because of his race when it imposed unwarranted and baseless disciplinary actions, without cause of justification, in violation of Title VII of the Civil Rights Act of 1964, as amended.

23. As a direct and proximate result of the illegal employment discrimination by Defendant, Mr. Thompson has suffered, and continues to suffer, severe pain and suffering and extreme mental anguish and emotional distress. Mr. Thompson has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

(a) To award him, under Title VII of the Civil Rights Act, all the back and front pay and fringe benefits he has lost as a result of defendant’s unlawful discrimination against him;

(b) To award him, under Title VII of the Civil Rights Act, compensatory damages in an amount to be determined at trial;

(c) To award him reasonable attorney's fees and costs of this action; and

(d) To award him such other and further relief as this Court deems just and proper.

THIRD CAUSE OF ACTION

Violation of Title VII – Unlawful Retaliation

24. Plaintiff herein adopts and incorporates by reference all the allegations set forth in

paragraphs "1" through "23" as if originally pleaded herein.

25. Defendant, through its agents or supervisors, unlawfully retaliated and denied equal employment opportunities and other terms and conditions of employment against Mr. Thompson because of his protected activity when it imposed unwarranted and baseless disciplinary actions, without cause of justification, in violation of Title VII of the Civil Rights Act of 1964, as amended.

26. As a direct and proximate result of the illegal employment discrimination by Defendant, Mr. Thompson has suffered, and continues to suffer, severe pain and suffering and extreme mental anguish and emotional distress. Mr. Thompson has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

- (a) To award him, under Title VII of the Civil Rights Act, all the back and front pay and fringe benefits he has lost as a result of defendant's unlawful discrimination against him;
- (b) To award him, under Title VII of the Civil Rights Act, compensatory damages in an amount to be determined at trial;
- (c) To award him reasonable attorney's fees and costs of this action; and
- (d) To award him such other and further relief as this Court deems just and proper.

FOURTH CAUSE OF ACTION
Violation of ADEA – Age Discrimination

27. Plaintiff herein adopts and incorporates by reference all the allegations set forth in paragraphs "1" through "26" as if originally pleaded herein.

28. Defendant, through its agents or supervisors, unlawfully discriminated and denied equal employment opportunities for promotion and other terms and conditions of employment against Mr. Thompson because of his age when it imposed unwarranted and baseless disciplinary

actions, without cause of justification, in violation of the ADEA.

29. As a direct and proximate result of the illegal employment discrimination by Defendant, Mr. Thompson has suffered, and continues to suffer a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

(a) To award him, under the ADEA, all the back and front pay and fringe benefits he has lost as a result of defendant's unlawful discrimination against him;

(b) To award him reasonable attorney's fees and costs of this action; and

(c) To award him such other and further relief as this Court deems just and proper.

FIFTH CAUSE OF ACTION
Violation of The ADEA – Retaliation

30. Plaintiff herein adopts and incorporates by reference all the allegations set forth in paragraphs "1" through "29" as if originally pleaded herein.

31. By the actions set out above, defendant has denied Mr. Thompson the rights and privileges secured by the ADEA when it imposed unwarranted and baseless disciplinary actions, without cause of justification, without cause or justification, because he had engaged in protected activity under the United States Civil Rights Act.

32. As a direct and proximate result of the illegal employment action by Defendant, Mr. Thompson has suffered, and continues to suffer, severe pain and suffering and extreme mental anguish and emotional distress. Thompson has suffered and will continue to suffer a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

(a) To award him, under the ADEA, all the back and front pay and fringe benefits he

has lost as a result of defendant's unlawful discrimination against him;

- (b) To award him reasonable attorney's fees and costs of this action; and
- (c) To award him such other and further relief as this Court deems just and proper.

FOURTH CAUSE OF ACTION
Violation of ADEA – Hostile Work Environment

33. Plaintiff herein adopts and incorporates by reference all the allegations set forth in paragraphs “1” through “32” as if originally pleaded herein.

34. By the actions set out above, defendant has denied Mr. Thompson the rights and privileges secured by the ADEA and created a hostile and abusive environment, when it imposed unwarranted and baseless disciplinary actions, without cause of justification, in violation of the ADEA.

35. As a direct and proximate result of the illegal employment action by Defendant, Mr. Thompson has suffered, and continues to suffer, a loss of earnings and other employment benefits and job opportunities.

WHEREFORE plaintiff respectfully prays this Court:

- (a) To award him, under the ADEA, all the back and front pay, fringe benefits and expenses he has lost as a result of defendant's unlawful discrimination against him;
- (b) To award him reasonable attorney's fees and costs of this action; and
- (c) To award him such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiff respectfully requests a jury trial on all issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leroy Thompson', is written over a horizontal line.

Leroy Thompson
5741 East 146th Street
Maple Heights, Ohio 44137
(216) 210-1591

Pro Se

Dated: August 1, 2018